

Senate Study Bill 3122

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to juvenile court by striking provisions setting
2 aside an order adjudicating a child delinquent who is mentally
3 retarded or mentally ill, modifying aggravated circumstance
4 determinations in child in need of assistance proceedings, and
5 modifying circumstances for termination of parental rights.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5975SC 82
8 jm/nh/5

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1 1 Section 1. Section 232.51, Code 2007, is amended to read
1 2 as follows:
1 3 232.51 DISPOSITION OF CHILD WITH MENTAL ILLNESS OR MENTAL
1 4 RETARDATION.

1 5 If the evidence received at an adjudicatory or a
1 6 dispositional hearing indicates that the child is mentally
1 7 ill, the court may direct the juvenile court officer or the
1 8 department to initiate proceedings or to assist the child's
1 9 parent or guardian to initiate civil commitment proceedings in
1 10 the juvenile court. These proceedings in the juvenile court
1 11 shall adhere to the requirements of chapter 229. If the
1 12 evidence received at an adjudicatory or a dispositional
1 13 hearing indicates that the child is mentally retarded, the
1 14 court may direct the juvenile court officer or the department
1 15 to initiate proceedings or to assist the child's parent or
1 16 guardian to initiate civil commitment proceedings in the
1 17 juvenile court. These proceedings shall adhere to the
1 18 requirements of chapter 222. ~~If the child is committed as a~~
~~1 19 child with mental illness or mental retardation, any order~~
~~1 20 adjudicating the child to have committed a delinquent act~~
~~1 21 shall be set aside and the petition shall be dismissed.~~

1 22 Sec. 2. Section 232.102, subsection 12, paragraph c, Code
1 23 Supplement 2007, is amended to read as follows:

1 24 c. The parent's parental rights have been terminated under
1 25 section 232.116 or terminated by an order of a court of
~~1 26 competent jurisdiction in another state~~ with respect to
1 27 another child who is a member of the same family, and there is
1 28 clear and convincing evidence to show that the offer or
1 29 receipt of services would not be likely within a reasonable
1 30 period of time to correct the conditions which led to the
1 31 child's removal.

1 32 Sec. 3. Section 232.116, subsection 1, paragraph g,
1 33 subparagraph (2), Code Supplement 2007, is amended to read as
1 34 follows:

1 35 (2) The court has terminated parental rights pursuant to
2 1 section 232.117 with respect to another child who is a member
2 2 of the same family or a court of competent jurisdiction in
~~2 3 another state has entered an order terminating parental rights~~
~~2 4 with respect to another child who is a member of the same~~
~~2 5 family.~~

EXPLANATION

2 7 This bill relates to juvenile court by striking provisions
2 8 setting aside an order relating to the adjudication of a child
2 9 with mental illness or mental retardation, modifying
2 10 aggravated circumstance determinations in child in need of
2 11 assistance proceedings, and modifying circumstances for
2 12 termination of parental rights.

2 13 If a child is adjudicated delinquent, the bill strikes a
2 14 provision permitting the adjudication to be set aside if the
2 15 child is committed as a child with mental illness or mental

2 16 retardation.

2 17 Under the bill, in child in need of assistance proceedings,
2 18 if the juvenile court finds that the parent's parental rights
2 19 have been terminated by an order of a court of competent
2 20 jurisdiction in another state with respect to another child
2 21 who is a member of the same family, the court may waive the
2 22 requirement that reasonable efforts be made to preserve the
2 23 family. Current law provides that if the court finds the
2 24 parent's parental rights have been terminated under Iowa law
2 25 with respect to another child who is a member of the same
2 26 family, the court may waive the requirement that reasonable
2 27 efforts be made to preserve the family.

2 28 Currently, in termination of parental rights proceedings,
2 29 the juvenile court may terminate the parental rights of a
2 30 parent if certain circumstances exist, including that the
2 31 parent's parental rights have been terminated under Iowa law.
2 32 The bill provides that such termination could have occurred
2 33 pursuant to an order of a court of competent jurisdiction in
2 34 another state with respect to another child who is a member of
2 35 the same family.

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